United Nations CCPR/C/SR.2280

International Covenant on Civil and Political Rights

Distr.: General
8 June 2005

Original: English

Human Rights Committee
Eighty-third session

Summary record of the 2280th meeting
Held at Headquarters, New York, on Friday, 1 April 2005, at 10 a.m.

Chairperson: Ms. Chanet

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05-29303 (E)

The meeting was called to order at 10.10 a.m.

Follow-up on views under the Optional Protocol

1. **The Chairperson** drew the Committee's attention to the Follow-up Progress Report of the Human Rights Committee on Individual Communications.

2. **Mr. Ando**, speaking as Special Rapporteur for follow-up on Views under the Optional Protocol, presented the Follow-up Progress Report (CCPR/C/83/FU1 and FU2), which updated the Committee's previous annual report (CCPR/C/81/CRP.1/Add.6) on follow-up activities and included information received between the eighty-first and eighty-third sessions. It dealt with 20 different States parties and covered 18 cases. No recommendation had been made with respect to case No. 711/1996 (*Diaz v. Angola*). In case No. 900/1999 (*C... v. Australia*), the State party had given a detailed response but the Committee had only asked for an update of the information. With respect to case No. 941/2000 (*Young v. Australia*), the Committee, not having found violation, had only asked for an effective remedy and had requested that the State party reconsider its decision. With respect to case No. 930/2000 (*Winata v. Australia*), the Committee had asked for, and the State party had agreed, to a stay of the deportation order pending reconsideration of the case in the light of existing immigration laws. He recommended that the situation should be monitored.

3. He further recommended that case No. 884/1999 (*Ignatane v. Latvia*) should no longer be considered within the context of follow-up, since the State party had complied with the Committee's recommendation to amend its legislation. With respect to cases Nos. 49/1979, 115/1982, 132/1982 and 155/1983 involving Madagascar, that country's representative had assured him, following a meeting he had had with her during the eighty-second session, that she would relay the request for information to her capital. No reply had been received to date. In case No. 1077/2002 (*Carpo v. Philippines*), the State party reiterated its assertion that there had been no violation of the relevant Covenant rights. It had been recommended that the State party reconsider its decision not to implement the Committee's recommendation. In cases Nos. 763/1997, 770/1997 and 888/1999 involving the Russian Federation, while the authorities of that State party had responded in detail, they had basically reasserted their position was based on their own domestic law. In case No. 1007/2001 (*Sineiro Fernández v. Spain*), a violation had been found owing to the lack of review by a higher court of the sentences. Yet another reminder would be sent to the State party.

4. He would welcome guidance from and a decision by the Committee at its current or July session on how to deal with case No. 916/2000 (*Jayawardena v. Sri Lanka*) where the author, an opposition member of Parliament, claimed to have received death threats, while the State party considered that the author's allegations were unfounded. With regard to cases Nos. 964/2001 and 1096/2002 involving Tajikistan, he had met with the representative of the State party on 29 March 2005, who had undertaken to relay the Committee's views to his capital. In case No. 781/1997 (*Aliev v. Ukraine*), following the commuting of the author's death sentence to life imprisonment, the Committee had requested the State party to consider paying compensation to the author and releasing him early, if its finding of a violation was established, and to reconsider its decision not to fully implement the Committee's recommendation.

5. **Mr. Schmidt** (Secretariat of the Committee), referring to case No. 916/2000 (*Jayawardena v. Sri Lanka*), said that the State party had conducted inquiries into the threats against the author and set up police patrols to monitor his residence. The author himself had been in touch with the secretariat almost on a daily basis at the beginning of the year, insisting that the Government had a duty to provide him with around-the-clock police protection. An informal inquiry conducted through the office of the High Commissioner for Human Rights in Colombo into the author's allegations had found that in the recent past he had considerably exaggerated the gravity of his situation.

6. **Mr. Shearer** wondered about the relationship between the two versions of the document.

7. **Mr. Schmidt** (Secretariat of the Committee) said that CCPR/C/83/FU2 contained updated information. The final document would be produced shortly in all the Committee's working languages.

8. **Mr. Ando** said that any new information, including new cases, was reflected in the new version. Otherwise, there was no basic change in the tone of the report.

9. *The Committee took note of the report.*

Organizational and other matters (*continued*)

Announcement of Bureau decisions

10. **The Chairperson** drew attention to the minutes of the Bureau meeting held on 30 March 2005 during which it had taken note of two letters from the Permanent Mission of the United States of America and the United Nations Interim Administration Mission in Kosovo (UNMIK), respectively. It had been decided that the reports of Tajikistan, Thailand, Slovenia, Syrian Arab Republic and Yemen would be considered at the eighty-fourth session of the Committee and that the Country Report Task Forces would consider the draft lists of issues for the reports of Brazil, Canada and Paraguay and the country situation for Nicaragua. Following a request from Mr. O'Flaherty, the Bureau had recommended sending a letter to the Sudanese authorities requesting either the submission of the periodic report by 31 December 2005 or a specific report on particular provisions of the Covenant. The Bureau's recommendations with respect to working methods under the Optional Protocol were set out in four points under section IV of the minutes. The Bureau was also recommending that the Committee should establish a permanent liaison with the Office of the Special Adviser of the Secretary-General on the prevention of genocide, Mr. Méndez.

11. **Mr. Kälin** said that the recommendations concerning the working methods under the Optional Protocol could not be implemented without amending the Optional Protocol.

12. **The Chairperson** said the Bureau felt that if all the approaches envisaged did not produce the desired results, it could be suggested to States parties that they amend the Optional Protocol.

13. **Mr. Rivas Posada** suggested saying not only alternative solutions but also additional solutions or measures. He wondered whether recommendation No. 1 was definitive or whether the financial implications needed to be considered.

14. **The Chairperson** said that it was merely a proposal by the Bureau to the plenary, a point further underlined by the text in the parenthesis.

15. **Mr. Schmidt** (Secretariat of the Committee) said that a decision of that nature would have financial implications and a statement would have to be prepared on programme budget implications to be endorsed by the General Assembly.

16. **Mr. Wieruszewski**, expressing support for Mr. O'Flaherty's proposal that a special report should be requested from the Sudan, wondered about the Bureau's position on the issue.

17. **The Chairperson** noted that the Bureau had proposed that the Committee adopt the same approach as it had adopted with regard to the United States of America. It could either request that the Sudan's overdue report be submitted, or request a report on some specific articles of the Covenant selected by the Committee.

18. **Mr. Khalil** said he took it that if the plenary agreed that recommendation No. 2 had no financial implications, the Committee could start implementing it as of its next session in Geneva.

19. **Mr. Rivas Posada** said that if recommendation No. 2 resulted in automatic ratification by the plenary of unanimous decisions, the working group would become the plenary. That would remove all justification for the proposal. On the other hand, debates in the plenary sparked by the decisions would solve nothing. The proposal's viability should be tested in July, when other solutions should be discussed.

Overdue periodic report of Sudan

20. **Mr. O'Flaherty** said that the Committee should take a decision right away on his proposal of 18 March 2005. The volatile situation in the country would make it difficult for the State party to submit a specific report. However, the complexity of the question could be addressed in the periodic report and the Committee could raise specific questions in the list of issues.

21. **The Chairperson** said that the Committee had specific procedures for dealing with particular cases or regular practice, which had to be observed. It could never act in a discriminatory manner.

22. **Mr. Kälin** said that the Committee could decide to follow the procedure it had employed in the case of the United States of America: to write to the Government of the Sudan, requesting it to submit its overdue report within a specific deadline.

23. **Mr. Amor** said that it would be best to adhere to the rules to avoid selectivity; many other countries

were late in submitting their reports. However, if the Committee was inclined to request a special report, that question could be decided at the current meeting.

24. **Mr. Glele Ahanhanzo** said that the Committee should request a special report on the human rights situation in the Sudan.

25. **Mr. Shearer** said that he supported that request. The articles identified should be specific to the situation in southern Sudan and Darfur, and be limited in number or the special report might resemble a regular one. It was important to include articles 6, 7, 8, 9 and 26. Selectivity was not really an issue, as the reason for the request would be obvious to the State party. Furthermore, in July the Committee should consider requesting a similar report from the Democratic Republic of the Congo.

26. **Mr. Khalil** said that if the Committee was considering immediate action because of the situation in southern Sudan and Darfur, there was no reason for it to overlook the Democratic Republic of the Congo. If it were to scan the African continent, and farther afield, there were many other places equally deserving of action. It would be better just to send a reminder, which would show concern but avoid any notion of selectivity.

27. **Mr. Kälin** supported by **Mr. O'Flaherty**, said that it was difficult to discuss selectivity during the last hour of the session, and the Committee should take it up at a later date. They supported requesting a special report, respectively proposing the inclusion of articles 12 and 2.

28. **Mr. Amor** said that it was most important to avoid selectivity. He was loath to call for immediate action.

29. **The Chairperson** said that the Committee could not afford to put the decision off until July and thus be out of step with the international community. She suggested requesting a special report from the Government of the Sudan, identifying the articles proposed by Mr. Kälin, Mr. O'Flaherty and Mr. Shearer.

30. *It was so decided.*

Closure of the session

31. **Mr. Ndiaye** (Representative of the Secretary-General) said that the Committee surpassed all others in bringing uniformity to human rights standards around the world. Its writings, which were widely read, taught best practices to States whose standards were good and showed others how not to stray from the correct path.

32. After the customary exchange of courtesies, **the Chairperson** declared that the Human Rights Committee had completed its work for the eighty-third session.

The meeting rose at 11.15 a.m.